

COX FRICKE  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

JOACHIM P. COX 7520-0

jcox@cfhawaii.com

RANDALL C. WHATTOFF 9487-0

rwhattoff@cfhawaii.com

KAMALA S. HAAKE 9515-0

khaake@cfhawaii.com

800 Bethel Street, Suite 600

Honolulu, Hawai'i 96813

Telephone: (808) 585-9440

Facsimile: (808) 275-3276

GOODSILL ANDERSON QUINN & STIFEL  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

LISA WOODS MUNGER 3858-0

lmunger@goodsill.com

CHRISTINE A. TERADA 10004-0

cterada@goodsill.com

First Hawaiian Center, Suite 1600

999 Bishop Street

Honolulu, Hawai'i 96813

Telephone: (808) 547-5600

Facsimile: (808) 547-5880

Attorneys for Defendant

FOREST CITY RESIDENTIAL MANAGEMENT, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

William and Keri Pye, Brian and  
Jacqueline Seidl, Alvaro and Bryanne  
Salazar, Tremayne and Lela Graf,  
Tulsa and Benjamin Kirk, Michael and  
Toni Seward, Cory and April  
Lentowski, William and Elizabeth  
Law, Jaime Murphy, Matthew and

CIVIL NO. 1:17-cv-00114

DEFENDANT FOREST CITY  
RESIDENTIAL MANAGEMENT,  
LLC'S NOTICE OF RELATED  
CASES; CERTIFICATE OF SERVICE

Deborah Edens, Nathan and Jerrica  
Malsam,

Plaintiffs,

vs.

Ohana Military Communities, LLC,  
Forest City Residential Management,  
Inc.; and DOE Defendants 1-10,

Defendants.

No Trial Date Set

**DEFENDANT FOREST CITY RESIDENTIAL MANAGEMENT, LLC'S  
NOTICE OF RELATED CASES**

Pursuant to Rule 40.2 of the Local Rules of Practice for the United States District Court for the District of Hawai'i, Defendant Forest City Residential Management, LLC, successor by conversion to Forest City Residential Management, Inc. ("Defendant"), hereby provides notice that the above-captioned matter is one of ten closely related matters currently pending in federal court:

- *Cara Barber, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 14-00217 HG-RLP (removed to federal court on May 6, 2014)
- *Kenneth Lake, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00555 LEK-KJM (removed to federal court on October 13, 2016)

- *Erin Dix, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00627-DKW-RLP (removed to federal court on November 23, 2016)
- *Luis Ochoa, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00629-KJM (removed to federal court on November 23, 2016)
- *Elijah-Keoni Manaea, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00628-HG-RLP (removed to federal court on November 23, 2016)
- *Tanya Butler, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00626-JMS-RLP (removed to federal court on November 23, 2016)
- *Robert Torres, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00655-RLP (removed to federal court on December 12, 2016)
- *Scott Bartlett, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 16-00654-DKW-KJM (removed to federal court on December 12, 2016)
- *Steven Hayes, et al. v. Ohana Military Communities, LLC, et al.*, Civ. No. 17-00047-JMS-RLP (removed to federal court on February 2, 2017)

All ten of these matters involve nearly identical claims.

## **I. PROCEDURAL HISTORY**

The ten case above fall into two categories: (1) *Barber*, which was filed as a putative class action, was previously pending before Judge Gillmor, and is currently on appeal before the Ninth Circuit; and (2) the nine other cases that were filed by individual plaintiffs (the “Individual Cases”). Because the *Barber* case had been pending the longest, when the Individual Cases were filed,

Defendants moved to reassign all of the Individual Cases to Judge Gillmor. Judge Kobayashi in the *Lake* matter, which was the first Individual Case that was filed, denied the motion. *See Lake v. Ohana*, Civ. No. 16-00555-LEK-KJM, Doc. 23 [11/10/16 Minutes].

The parties have been engaged in motion practice in the *Lake* matter. Plaintiffs filed a Motion for Remand, and Defendants filed a Motion to Disqualify Counsel and for Sanctions and a Motion to Dismiss. *See id.*, Docs. 8, 12, 25. Thereafter, the parties stipulated to continue the deadlines for motions to remand, Defendants' responses to the complaints, and any Rule 16 conferences in the non-*Lake* Individual Cases pending Judge Kobayashi's rulings on the motions. *See, e.g., Butler v. Ohana*, Civ. No. 16-00626-JMS-RLP, Doc. 8 [12/23/16 Stip.].

On February 28, 2017, Judge Kobayashi entered an EO denying Defendants' Motion to Disqualify and denying Plaintiffs' Motion for Remand. *See Lake v. Ohana*, Civ. No. 16-00555-LEK-KJM, Doc. 48 [2/28/17 Minute Order]. Judge Kobayashi noted that "[a] written order will supersede this ruling." *Id.* at 2. The Motion to Dismiss has not yet been fully briefed.

## **II. THE *PYE* MATTER IS IDENTICAL TO *LAKE* AND THE OTHER INDIVIDUAL CASES**

The complaints in the Individual Cases are essentially identical. All allege the same causes of action: (1) Breach of Contract; (2) Breach of Implied Warranty of Habitability; (3) Violation of Hawaii Revised Statute Chapter 521 –

Landlord-Tenant Code; (4) Unfair & Deceptive Trade Practices; (5) Negligent Failure to Warn; (6) Negligent & Intentional Infliction of Emotional Distress; (7) Fraud by Omission & Express Statement; (8) Negligent Misrepresentation by Omission & Express Statement; (9) Unfair Competition; (10) Trespass; and (11) Nuisance. With the exception of the allegations regarding the time period in which the individual plaintiffs resided at Marine Corps Base Hawai‘i, the allegations in all of the Individual Case complaints are identical.

DATED: Honolulu, Hawai‘i, March 13, 2017.

/s/ Randall C. Whattoff

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LISA WOODS MUNGER  
JOACHIM P. COX  
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CIVIL NO. 1:17-cv-00114

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the  
foregoing document was duly served on the following on the date indicated below:

**Served Electronically through CM/ECF:**

P. Kyle Smith, Esq.  
Smith Law  
970 N. Kalaheo Ave., Suite A301  
Kailua, HI 96734

kyle@smithhawaii.law

Terrance M. Revere, Esq.  
Malia R. Nickison-Beazley, Esq.  
Pali Palms Plaza  
970 N. Kalaheo Ave., Suite A301  
Kailua, HI 96734

terry@revereandassociates.com  
malia@revereandassociates.com

Attorneys for Plaintiffs

DATED: Honolulu, Hawai‘i, March 13, 2017.

/s/ Randall C. Whattoff

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LISA WOODS MUNGER  
JOACHIM P. COX  
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